THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.293 of 2006

–

DATED: 05-01-2006

–

–

Between:

Vikram Chandra Sanyasi Raju . . .Petitioner

and

The District Collector, Vizianagaram District,

and another . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.293 of 2006

O R D E R:

The petitioner challenges the show cause notice, dated 21-12-2005, issued by the second respondent requiring him to appear on 05-01-2006 in an enquiry into the genuineness of his claim as Scheduled Tribe.

The petitioner contends that his father was elected thrice as a Legislator from Saluru Constituency, reserved in favour of Scheduled Tribes and that in several proceedings, the social status of their family, as Scheduled Tribes, has been upheld. He makes a specific reference to the observations of this Court in the order, dated 29-09-1989, in WP.No.11916 of 1987.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The dispute as to the social status of the father of the petitioner and other members of his family has been the subject matter of several proceedings. In Writ Appeal No.9 of 1986, a declaration was given to the effect that the father of the petitioner is entitled to be treated as Scheduled Tribe, as long as the certificate, dated 16-05-1979 is in force. When the social status of the petitioner and his other family members was doubted by the officials of the Government, the petitioner filed WP.No.3240 of 1989. This Court disposed of the same by observing that as long as the certificate, dated 16-05-1979, issued to the father of the petitioner is in force, the petitioner and his agnates are entitled to the benefit of the same. However, a note of caution was added to the effect that such an arrangement would continue “until and unless a contrary decision is arrived at”. It is represented that several other proceedings have also been ensued in this regard.

The net result of various proceedings is that the petitioner and his family members were permitted to enjoy the status of Scheduled Tribe as long as the respective certificates, issued in their favour, are in force. It is, in this context, the District Collector, the first respondent herein, exercised his power under Section 5 of the Andhra Pradesh (Schedule Caste, Schedule Tribe and Backward Classes) Regulation of Issue of Community Certificates Act, 1993, and initiated proceedings against the petitioner. The Act and the Rules made thereunder mandate that whenever the Collector intends to verify the genuineness of a caste certificate, the corresponding enquiry must be undertaken by the District Level Scrutiny Committee. The second respondent is the Convenor of such Committee. Therefore, the notice issued by the second respondent does not suffer from any irregularity.

The petitioner takes an exception to the language used in the impugned show

cause notice alleging that the petitioner has fraudulently obtained the caste certificate. This Court is of the view that a different expression could certainly have been used in the place of such an objectionable word, when the whole matter is subject to scrutiny and examination. Such a word, which impinges the character of the petitioner could have been avoided. Be that as it may, the second respondent shall proceed with the enquiry in a dispassionate manner, without any prejudice or notion.

The writ petition is accordingly disposed of, leaving it open to the petitioner to put forward his contentions and the second respondent shall consider the same in a dispassionate manner, duly taking into account the pleas that may be put forwarded by the petitioner. There shall be no order as to costs.

_____

(L.NARASIMHA REDDY, J)

5th JANUARY, 2006.

Note: furnish c.c. in one week.

B/o

kvni